

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9596 of 2020

Arising Out of PS. Case No.-132 Year-2015 Thana- SISWAN District- Siwan

Ashok Mestar @ Ashok Prasad (M), aged about 37 years, S/o Late Kailash
Mestar R/o village- Chainpur, P.S.- Chainpur (O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 08-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Sessions Trial No. 95 of 2016 arising out of Siswan Chainpur (O.P.) P.S. Case No. 132 of 2015 registered for offences under sections 147, 148, 149, 323, 324, 307, 302, 504 of the Indian Penal Code.

As per prosecution case, the petitioner including five other accused persons, completely in intoxicated condition, mercilessly stabbed the father-in-law and step brother-in-law of the Informant due to which they received grievous injury in their bodies. They were taken to the hospital but, in the way to hospital, both of them died.

Learned counsel for the petitioner submits that all the accused persons have been granted bail except the present



petitioner and, in the present situation of pandemic, there is no likelihood of early conclusion of the trial. He further submits that the petitioner has remained in custody for about four years and nine months.

Looking to the entirety as also considering the entire facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VII, Siwan in connection with Sessions Trial No. 95 of 2016 arising out of Siswan Chainpur (O.P.) P.S. Case No. 132 of 2015, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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